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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 10/724,367 | 12/01/2003 | Carl Pinsky | 9029-7 MIS:jb | 8090 |
| 24223 | 7590 | 06/27/2005 | EXAMINER | |
| SIM & MCBURNEY | | | | LEDYNH, BOT L |
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| TORONTO, ON M5G 1R7 | | | | |
| CANADA | | | | |
| | | | | ART UNIT |
| | | | | PAPER NUMBER |
| | | | | 2862 |
| DATE MAILED: 06/27/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

EXAMINER

ART UNIT PAPER

20050621

DATE MAILED:

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Commissioner for Patents

See the attached action.

Bot Ledynh
Primary Examiner

DETAILED ACTION

The reply filed on May 04, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): See *infra*. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Applicants' election of species iii (claims 16-20 and 26-31) without traverse is acknowledged; however, the claims 26-31 should not have been elected because they also recite intraatomic electron and nuclear quantum states which also belong to species ii.

Therefore, the inclusion of claims 26-31 in the election of species iii is improper.

If Applicants insist that claims 26-31 be considered by the Examiner, those claims 16-20 and 26-31 would be further restricted as follows:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 16-20, drawn to a method of detecting a chemical substance, classified in class 436, subclass 149.
- II. Claims 26-31, drawn to an apparatus for detecting a chemical substance, classified in class 324, subclass 244.

The inventions are distinct, each from the other because of the following reasons:

Art Unit: 2862

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process such as detecting fluctuations in spontaneous intraatomic electron and nuclear quantum states, evidenced by the method of claim 26.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

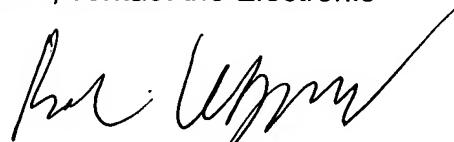
Applicants are requested to affirm the election of claims 16-20 of species iii.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Bot LeDynh whose telephone number is 5712722231. The examiner can normally be reached on Maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 5712722180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bot LeDynh, J.D., Ph.D., D.A.
Primary Examiner

BL/ 2005